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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,530	11/28/2001	Alan Walter Fink	Alan.P001	3549
7590	08/25/2005		EXAMINER	
Alan W. Fink 8131 Miranda LN Sandy, UT 84093			DOAN, DUYEN MY	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,530

Applicant(s)

FINK, ALAN WALTER

Examiner

Duyen M. Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-18 are amended for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Marks et al (us 2001/0054059) (hereinafter Marks).

As regarding claim 1, Marks disclosed maintaining a profile for each of a plurality of senders (pg.3, paragraph 26); Establishing a recipient preference (pg.2, paragraph 13, pg.3, paragraph 30); Generating a **recipient comprehensible** message comprising information according to the recipient preference and the profile for each of the plurality of senders (pg.2, paragraph 18-19, pg.3, paragraph 21); and Delivering the message to the recipient (paragraph 21).

As regarding claim 2, Marks disclosed maintaining the profile for each of the plurality of senders comprises: receiving one or more sender preferences (pg.3,

paragraph 25-26); generating an action associated with a triggering event based on one or more of the one or more sender preferences (pg.3, paragraph 25-26); and performing the action upon the occurrence of the triggering event (pg.3, paragraph 25-26).

As regarding claim 3, Marks disclosed the triggering event is determined by the recipient preference (pg.2, paragraph 13, pg.3, paragraph 30).

As regarding claim 4, Marks disclosed the triggering event is determined by a delivery matrix according to the profile of each of the plurality of senders and the recipient preference (pg.3, paragraph 26).

As regarding claim 5, Marks disclosed the action comprises inserting a sender placement into the message (pg.3, paragraph 21).

As regarding claim 6, Marks disclosed the sender placement comprises an advertisement (pg.1, paragraph 10).

As regarding claim 7, Marks disclosed the sender placement comprises a coupon (see figure 2).

As regarding claim 8, Marks disclosed the sender placement comprises a link to a sender web address (pg.3, paragraph 26).

As regarding claim 9, Marks disclosed the recipient preference comprises one or more directives (pg.3, paragraph 30).

As regarding claim 10, Marks disclosed one or more of the one or more directives comprises a user defined request (pg.3, paragraph 30).

As regarding claim 11, Marks disclosed establishing the recipient preference comprises receiving one or more directives from a recipient (pg.3, paragraph 30).

As regarding claim 12, Marks disclosed there is no independent relationship between any pair of the plurality of senders (pg.3, paragraph 26).

As regarding claim 13, Marks disclosed maintaining a first profile comprising a plurality of filters of a first sender (pg.3, paragraph 21-26); Maintaining a second profile comprising a plurality of filters of a second sender (pg.3, paragraph 21-26); Associating a first action with any combination of the plurality of filters of the first sender (pg.3, paragraph 21-26); Associating a second action with any combination of the plurality of filters of the second sender (pg.3, paragraph 21-26); Generating a **recipient comprehensible message** according to a collaboration of the first action and the second action (pg.3, paragraph 21-26); and Delivering the message to a recipient (pg.3, paragraph 21-26).

As regarding claim 14, Marks disclosed maintaining a third profile of the recipient, wherein delivery of the message is determined in accordance with the third profile (pg.3, paragraph 26).

As regarding claim 15, Marks disclosed the collaboration comprises combining the first action and the second action into a third action, wherein the third action is not identifiable in the one or more directives of the first sender nor in the one or more directives of the second sender (pg.3, paragraph 21-26).

As regarding claim 16, Marks disclosed maintaining a first relationship with a first sender (pg.3, paragraph 21-26); Maintaining a second relationship with a second sender (pg.3, paragraph 21-26); Maintaining a third relationship with a recipient (pg.3, paragraph 21-26); and Generating a **recipient comprehensible message** according to

a combination of the first relationship, the second relationship and the third relationship (pg.3, paragraph 21-26).

As regarding claim 17, Marks disclosed each of the first, the second and the third relationship exist and operate independently of each other (pg.3, paragraph 21-28).

As regarding claim 18, Marks disclosed maintaining a relationship profile for a plurality of senders (pg.3, paragraph 21-28); maintaining a relationship for a plurality of recipients (pg.3, paragraph 21-28); generating a **plurality of recipient comprehensible message, each message** corresponding to one of the plurality of recipients and comprising content according to a collaboration of the relationship of the one of the plurality of recipients and the relationship profile of each of the plurality of senders (pg.3, paragraph 21-28); and Delivering the unique, comprehensive message to its corresponding recipient (pg.3, paragraph 21-28).

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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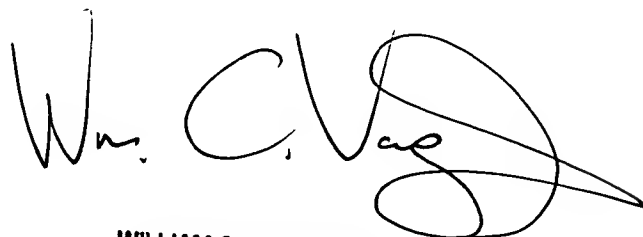
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
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DD

A handwritten signature in black ink, appearing to read 'Wm. C. Vaughn, Jr.', with a large, stylized flourish at the end.

**WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER**